

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
OFFICE OF THE CLERK  
1101 THOMAS P. ONEILL, JR., FEDERAL BUILDING  
10 CAUSEWAY STREET  
BOSTON, MASSACHUSETTS 0222-1074

JAMES M. LYNCH  
CLERK

(617)565-6051  
FAX (617)565-6087

2004 MAY 24 2:53 PM  
WORCESTER OFFICE  
595 MAIN STREET  
WORCESTER, MA 01608-2076  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
5/24/04

United States District Court  
District of Massachusetts  
Harold D. Donohue Federal Building & Courthouse  
595 Main Street  
Worcester, MA 01608

Bankruptcy Case/Adversary Preceeding In Re: Jalbert v. Alcatel USA Marketing, Inc.  
Bankruptcy Case/Adversary Preceeding In Number: AP 03-4741

The following is being transmitted to your court:

- ☒ Copy of Notice of Appeal with Order
- ☒ Copy of Bankruptcy Docket
- ☒ Copy of Election to have appeal heard in District Court
- ☒ Copy of Motion for Leave to Appeal With/Without Objections
- ☒ Other Copy of #9 Motion for Leave to File Amended Answer

Please acknowledge receipt of these documents by signing the copy of this letter and returning it to this office for filing.

United States Bankruptcy Court  
1101 O'Neill Federal Building  
10 Causeway Street  
Boston, MA 02222-1074

United States Bankruptcy Court  
211 Donohue Federal Building  
595 Main Street  
Worcester, MA 01608-2076

Date: 5/24/04

James M. Lynch  
Clerk, U.S. Bankruptcy Court

By the Court,

Joanne M. Ryan  
Deputy Clerk  
(508) 770- 8921

Receipt is acknowledged of the enclosures referred to above.

District Court Docket Number: \_\_\_\_\_

Date: \_\_\_\_\_

By: Sherry Jones  
Deputy Clerk

04-40088-186

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

2004 MAY 24 P 2:52

In re

ACT MANUFACTURING, INC. et al.,

Debtors.

U.S. DISTRICT COURT  
DISTRICT OF MASS  
Chapter 11  
Case No. 01-47641-JBR  
(Substantively Consolidated)

CRAIG R. JALBERT, LIQUIDATING  
CEO, AS REPRESENTATIVE OF THE  
ESTATE OF THE CONSOLIDATED  
DEBTORS,

Plaintiff,

v.

ALCATEL USA MARKETING, INC.,

Defendant.

**04-40088-PBS**

Adversary Proceeding  
No. 03-4741

**NOTICE OF APPEAL**

Defendant Alcatel USA Marketing, Inc. ("Marketing") hereby gives notice of its appeal pursuant to 28 U.S.C. § 158(a) and Fed. R. Bankr. P. 8001 from the judgment, order, or decree of the United States Bankruptcy Court for the District of Massachusetts, Western Division, Rosenthal, J., denying the *Motion of Defendant Alcatel USA Marketing, Inc. for Leave to File Amended Answer* entered on May 12, 2004 (the "Order") in the above captioned adversary proceeding.

The names of all parties to the Order appealed from, and the names, addresses, and telephone numbers of their respective attorneys are as follows:

24E  
5/13/04

Defendant/Appellant, Alcatel USA Marketing, Inc.

*represented by:*

Bruce F. Smith, Esq.  
Steven C. Reingold, Esq.  
Michael J. Fencer, Esq.  
JAGER SMITH P.C.  
One Financial Center  
Boston, Massachusetts 02111  
(617) 951-0500

- and -

Joseph A. Friedman, Esq.  
KANE, RUSSELL, COLEMAN & LOGAN, P.C.  
3700 Thanksgiving Tower  
1601 Elm Street  
Dallas, Texas 75201  
(214) 777-4200

Plaintiff/Appellee, Craig R. Jalbert, Liquidating CEO and  
Representative of the Estate of the  
Consolidated Debtors

*represented by:*

Douglas R. Gooding, Esq.  
Joseph M. Downes III, Esq.  
Choate, Hall & Stewart  
Exchange Place  
53 State Street  
Boston, Massachusetts 02109  
(617) 248-5277

ALCATEL USA MARKETING, INC.

By its attorneys,

/s/ Michael J. Fencer

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Bruce F. Smith (BBO No. 467900)  
Steven C. Reingold (BBO No. 638649)  
Michael J. Fencer (BBO No. 648288)  
JAGER SMITH P.C.  
One Financial Center  
Boston, Massachusetts 02111  
telephone: (617) 951-0500  
facsimile: (617) 951-2414  
email: mfencer@jagersmith.com

- and -

Joseph A. Friedman, Esq. (Admitted PHV)  
KANE, RUSSELL, COLEMAN & LOGAN, P.C.  
3700 Thanksgiving Tower  
1601 Elm Street  
Dallas, Texas 75201  
telephone: (214) 777-4200  
facsimile: (214) 777-4299  
email: friedmj@krcl.com

Dated: May 13, 2004

### **CERTIFICATE OF SERVICE**

I, Michael J. Fencer, hereby certify that on the 13th day of May, 2004, I caused a true and accurate copy of the within *Notice of Appeal* to be served upon counsel for plaintiff, Douglas R. Gooding, Esq. and Joseph M. Downes III, Esq., Choate, Hall & Stewart, Exchange Place, 53 State Street, Boston, Massachusetts 02109, via first class mail, postage prepaid.

/s/ Michael J. Fencer

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Michael J. Fencer, Esq.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
Proceeding Memorandum/Order

In Re: Jalbert v. Alcatel USA Marketing, Inc.

Case Number: 03-04741 ( JBR )

MOVANT/APPLICANT/PARTIES

Chapter:

In re ACT MANUFACTURING, INC., 01-47641  
#9 Motion of Defendant, Alcatel USA Marketing, Inc. for Leave to File  
Amended Answer and #20 Opposition of Plaintiff  
Steven C. Reingold and Joseph A. Friedman for Defendant  
Joseph M. Downes for Plaintiff

COURT ACTION:

Show Cause Order \_\_\_\_\_ Released \_\_\_\_\_ Enforced \_\_\_\_\_  
Granted \_\_\_\_\_ Approved \_\_\_\_\_ Moot \_\_\_\_\_  
#9 Denied \_\_\_\_\_ Denied without Prejudice \_\_\_\_\_  
Withdrawn in Open Court \_\_\_\_\_  
Sustained \_\_\_\_\_ Overruled \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Proposed Order to be Submitted by: \_\_\_\_\_  
Stipulation to be Submitted by: \_\_\_\_\_  
Taken Under Advisement \_\_\_\_\_

DECISION SET OUT MORE FULLY BY COURT AS FOLLOWS:

*For the reasons set forth on the record,  
the Motion is denied.*

SO ORDERED:

*Joel B. Rosenthal*  
Joel B. Rosenthal

Dated: *5/12/04*